Socialist Workers Party Assails FBI Over Investigation

By John M. Goshko
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The Socialist Workers Party charged yesterday that the FBI may be trying to circumvent an order to halt its 38-year investigation of the party by employing "back-door methods" to continue pursuing the small, left-wing political group.

To support this charge, the party made public an order by FBI Director Clarence M. Kelly advising FBI field agents that they may continue investigating party members who have engaged in activities indicating they are "likely to use force or violence in violation of a federal law."

Kelley's order was issued despite government admissions that the FBI has been probing the Socialist Workers Party since 1938 without producing any evidence of wrongdoing by the party or its members.

After reviewing this record, Attorney General Edward H. Levi ordered the bureau on Sept. 13 to terminate its investigation. Levi acted after concluding that the probe did not conform with the Justice Department's new guidelines covering domestic security investigations.

These guidelines state, in effect, that the FBI cannot spy on a group solely for purposes of gathering intelligence or because it suspects that the members might do something illegal at some future time.

Under the guidelines, the FBI can investigate an organization or individual only if there is evidence of some specific illegal act or if the evidence discloses activities of a nature that could result in violent or illegal acts.

The Socialist Workers Party is suing the FBI and other federal agencies for $40 million, charging them with illegal harassment and intimidation over several years.

In addition to this suit, the party is now attempting to make the government document publicly what it has done to ensure that the investigation has actually been ended.

In particular, the party has demanded that the FBI turn over to it all bureau files on the party and its members and reveal the names of 66 FBI informers who infiltrated the party and its youth affiliate, the Young Socialist Alliance. The Justice Department, which is defending the FBI in the lawsuit, has opposed both demands.

However, the department did turn over to party lawyers copies of Kelley's messages to FBI field offices, advising that the investigation was being ended. These were the documents made public by the party yesterday.

In one message, dated Sept. 13, Kelley stated that while each office should discontinue investigations of the party, the alliance, their chapters, leaders and members, the field offices should continue probing those members whose activities indicate they are "likely to use force or violence."

In a subsequent message, dated Sept. 23, Kelley elaborated by stating that any continued investigations of individual members "must be based on the Attorney General's guidelines." These state that field offices must report such investigations to FBI headquarters which, in turn, must refer them to the Justice Department for further review and a decision about whether they should be continued.

Spokesmen for the FBI and Justice Department denied yesterday that Kelley's instructions were intended to serve as a device for continuing surveillance of the Socialist Workers Party. Any new investigations, these spokesmen said, would have to be conducted in accordance with the safeguards provided by the guidelines.

However, some Justice Department sources privately expressed concern that Kelley's instructions might be interpreted by some FBI agents as a covert signal to continue pursuing the party.

The sources said they did not believe that this was Levi's or Kelley's intention. But, they noted that there was strong opposition within the FBI to discontinuing the invesgitation and said that some forces in the bureau could be tempted to take Kelley's instructions as an excuse for footdragging in ending scrutiny of the party.